

**Notice of Allowability****Application No.**

10/796,495

**Applicant(s)**

WILSON ET AL.

**Examiner**

QUYNH-NHU H. VU

**Art Unit**

3763

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/22/09.
2. ☒ The allowed claim(s) is/are 32-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Quynh-Nhu H. Vu/  
Examiner, Art Unit 3763

#### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Benjamin M. Halpern on 02/02/2010.

The application has been amended as follows:

Listing of Claims:

32. (Currently Amended) A method for surgically implanting a multi-lumen catheter into a patient, the multi-lumen catheter comprising a one-piece multi-lumen tube portion having a plurality of integrally formed lumens, a proximal end portion including a single-lumen proximal venous portion and a single-lumen proximal arterial portion, and a distal end portion including a single-lumen distal venous tube portion and a single-lumen distal arterial tube portion each having a distal end, the method comprising:

- (a) making an incision in the skin of the patient
- (b) inserting the proximal end of the catheter through the incision, into the patient;
- (c) forming a subcutaneous tunnel by a trocar or other suitable instrument; wherein the subcutaneous tunnel having a first end ~~coincident~~ proximate to the incision and a second end, which is located a distance from the first end of the tunnel;

(d) after the subcutaneous tunnel is completely formed, guiding the distal end of the catheter and at least a portion of the multi-lumen tube portion through the subcutaneous tunnel such that at least the distal ends of the distal venous and distal arterial tube portions extend outwardly from the second end of the tunnel.

41. (Currently Amended) A method for placing a catheter into the vasculature of a patient, the catheter comprising a central one-piece multi-lumen portion having a plurality of integrally formed lumens, a proximal end portion and a distal end portion, each of the proximal and distal end portions comprising

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single-lumen catheters not connected to each other along a substantial portion thereof, the method comprising:

(a) making an incision in the skin of the patient

(b) inserting the proximal end of the catheter through the incision, into the patient;

(c) forming a subcutaneous tunnel by a trocar or other suitable instrument; wherein the subcutaneous tunnel having a first end coincident to the incision and a second end, there being a distance between the first end of the tunnel and the second end of the tunnel;

(d) after the subcutaneous tunnel is completely formed, guiding the distal end of the catheter and at least a portion of the central multi-lumen portion through the subcutaneous tunnel from the first end of the subcutaneous tunnel to the second end of the subcutaneous tunnel such that at least a portion of the distal end portion extends outwardly from the second end of the tunnel.

***Allowable Subject Matter***

Claims 32-54 are allowed.

The following is an examiner's statement of reasons for allowance:

The claims in this application have been allowed because the prior arts of record fails to disclose either singly or in combination the step of: forming a subcutaneous tunnel by a trocar or other suitable instrument; wherein the subcutaneous tunnel having a first end coincident to the incision and a second end, there being a distance between the first end of the tunnel and the second end of the tunnel;

(d) after the subcutaneous tunnel is completely formed, guiding the distal end of the catheter and at least a portion of the central multi-lumen portion through the subcutaneous tunnel from the first end of the subcutaneous tunnel to the second end of the subcutaneous tunnel such that at least a portion of the distal end portion extends outwardly from the second end of the tunnel.

The closest prior art of record is Schon (US 6,682,519) or Markel et al. (US 5,624,413). However, these references do not disclose a method as claimed or described above.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh-Nhu H. Vu whose telephone number is 571-272-3228. The examiner can normally be reached on 6:00 am to 3:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas D Lucchesi/  
Supervisory Patent Examiner, Art Unit 3763

/Quynh-Nhu H. Vu/  
Examiner, Art Unit 3763